

JS-44 (Rev 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

School District of Philadelphia

(b) County of Residence of First Listed Plaintiff Philadelphia County

(EXCEPT IN U.S. PLAINTIFF CASES)

(c)

Attorneys (Firm Name, Address, and Telephone Number)

Peter J. Norman, Esquire, Klehr Harrison Harvey Branzburg, LLP
1835 Market Street, Philadelphia, PA 19103, 215-568-6603

DEFENDANTS

United Consultants, Inc.

County of Residence of First Listed Defendant Baltimore County, MD

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Lauren A. Moser, Esq., Marshall Dennehey Warner Coleman & Goggin 2000
Market Street, Phila., PA 19103 215-575-2677

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1. U.S. Government Plaintiff
- ☐ 2. U.S. Government Defendant
- ☐ 3. Federal Question (U.S. Government Not a Party)
- ☒ 4. Diversity (Indicates Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place An "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen of Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits. <input type="checkbox"/> 160 Stockholder's Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 195 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury – Med Malpractice <input type="checkbox"/> 365 Personal Injury – Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS – Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing / Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 1332

Brief description of cause:

The School District of Philadelphia asserts claims for breach of contract, negligence and breach of warranty against Defendant arising from various construction projects for which the Defendant acted as the engineering design professional.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** In excess of \$300,000 **CHECK YES only if demanded in complaint:**
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions) JUDGE *Lauren A. Moser* DOCKET NUMBER

DATE November 15, 2013

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

School District of Philadelphia

CIVIL ACTION

Plaintiff,

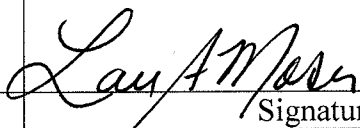
NO.

vs.

United Consultants, Inc.,

Defendant.

DISCLOSURE STATEMENT FORM

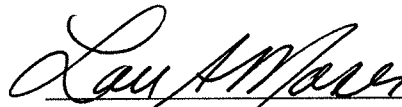
Please check one box:		
<input checked="" type="checkbox"/>	The nongovernmental corporate parties, United Consultants, Inc., in the above listed civil action do not have any parent corporation and publicly held corporation that owns 10% or more of its stock.	
<input type="checkbox"/>	The nongovernmental corporate parties, , in the above listed civil action has the following parent corporation(s) and publicly held corporation(s) that own 10% or more of its stock.	
November 15, 2013		
Date		
		Signature
		Counsel for: <i>Defendant</i>

CERTIFICATE OF SERVICE

I, Lauren A. Moser, Esquire, do hereby certify that a true and correct copy of the foregoing Disclosure Statement Form was served upon the following party via U.S. Mail, on the below date:

Peter J. Norman, Esquire
Klehr Harrison Harvey Branzburg, LLP
1835 Market Street
Philadelphia, PA 19103
Attorney for Plaintiffs

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

A handwritten signature in cursive script, appearing to read "Lauren A. Moser", is written over a horizontal line.

LAUREN A. MOSER
*Attorney for Defendant
United Consultants, Inc.*

Dated: November 15, 2013

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff School District of Philadelphia, 440 North Broad Street, Philadelphia, PA 19130.

Address of Defendant United Consultants, Inc., c/o Lauren A. Moser, Esquire – 2000 Market Street, 23rd Floor, Philadelphia, PA 19103

Place of Accident, Incident or Transaction Philadelphia County, Pennsylvania

(Use Reverse Side for Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 8.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier number case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases

(Please specify) FDCPA and FCRA

B. *Diversity Jurisdiction Cases*

1. ☒ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability – Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Lauren A. Moser, Esquire counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE November 15, 2013

Lauren A. Moser
Attorney-at-Law

309072

Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE November 15, 2013
01/9698232.v1

Lauren A. Moser

309072

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE MANAGEMENT TRACK DESIGNATION FORM**

**SCHOOL DISTRICT
OF PHILADELPHIA**

v.

UNITED CONSULTANTS, INC.

: CIVIL ACTION No.

:

:

:

:


In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus-Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security-Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration-Cases require to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos-Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management-Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management--Cases that do not fall into any one of the other tracks. (X)

November 15, 2013

Date


Attorney-at-law
Lauren A. Moser

Defendant, United
Consultants, Inc.
Attorney for

(215) 575-2677

Telephone

(215) 575-0856

FAX Number

lzmoser@mdwcg.com

E-Mail Address

Civil Justice Expense and Delay Reduction Plan

Section 1:03 - Assignment to a Management Track

(a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.

(b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management of Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

(c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.

(d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.

(e) Nothing in this Plan is intended to supersede Local Civil Rules 3 or 7, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See § 1.02(e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)

Special management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions of potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

BY: Gregory J. Kelley, Esquire
Jane E. Kane, Esquire
Lauren A. Moser, Esquire
Identification Nos. 67968/46585/309072
2000 Market Street
Suite 2300
Philadelphia, PA 19103
215-575-2600

Attorneys for Defendant,
United Consultants, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SCHOOL DISTRICT OF PHILADELPHIA	:	
	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	
	:	
UNITED CONSULTANTS, INC.	:	
	:	
	:	
Defendant	:	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §1441(b) and 28 U.S.C. §1332, Defendant, United Consultants, Inc., by and through its counsel, Marshall Dennehey Warner Coleman & Goggin, hereby removes the action entitled *School District of Philadelphia v. United Consultants, Inc.*, July Term 2013, No. 4129, as filed in the Court of Common Pleas of Philadelphia County, Pennsylvania ("the Action"), to the United States District Court for the Eastern District of Pennsylvania, based upon the following:

1. On July 30, 2013, Plaintiff, The School District of Philadelphia (Plaintiff) instituted this action in the Court of Common Pleas of Philadelphia County, Pennsylvania.
2. On October 15, 2013, Plaintiff filed its Complaint. A true and correct copy of Plaintiff's Complaint is attached hereto as Exhibit 1.

3. Defendant received the Complaint on October 16, 2013 via FedEx delivery with no signature required.

4. Defendant has timely filed this Notice of Removal as it is filed within thirty (30) days of the date that the Action was first removable. *See* 28 U.S.C. §1446(b).

5. In the Complaint, Plaintiff avers that its principal place of business is 440 North Broad, Street, Philadelphia, PA 19130.

6. United Consultants, Inc. is a Maryland corporation with its principal place of business at 5110 Belair Road, Baltimore, MD 21206.

7. In this matter, Plaintiff has alleged that the amount in controversy, exclusive of interest and costs, is in excess of the jurisdictional threshold of \$75,000.00 as required by 28 U.S.C. §1332(a).

8. The above-described civil action is one in which this Honorable Court has original jurisdiction pursuant to 28 U.S.C. §1332 based upon the fact that there exists diversity of citizenship between the named parties and the amount in controversy is in excess of \$75,000.00. Accordingly, this matter is one which may be removed to this Honorable Court by Notice pursuant to 28 U.S.C. §1441.

9. Written notice of the filing of this Notice of Removal has been given to Plaintiff in accordance with 28 U.S.C. §1446(d), as noted in the attached Certificate of Service.

10. Promptly after filing of this Notice with this Court and the assignment of a civil action number, a copy of the Notice of Removal will be filed with the Court of Common Pleas of Philadelphia County, Pennsylvania, in accordance with 28 U.S.C. §1446(d). A draft copy of the Praecipe to File a Notice of Removal is attached hereto as Exhibit 2. Thereafter, an Affidavit for filing the Notice of Removal will be filed with this Honorable Court.

WHEREFORE, Defendant, United Consultants, Inc., respectfully requests that the above-captioned matter now pending in the Court of Common Pleas of Philadelphia County be removed to the United States District Court for the Eastern District of Pennsylvania pursuant to the provisions of 28 U.S.C. §1332 and §1441.

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

BY: Lauren A. Moser/lam0454
GREGORY J. KELLEY, ESQUIRE
JANE E. KANE, ESQUIRE
LAUREN A. MOSER, ESQUIRE
Attorneys for Defendant
United Consultants, Inc.

Date: 11/15/2013

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

BY: Gregory J. Kelley, Esquire
Jane E. Kane, Esquire
Lauren A. Moser, Esquire
Identification Nos. 67968/46585/309072
2000 Market Street
Suite 2300
Philadelphia, PA 19103
215-575-2600

Attorneys for Defendant,
United Consultants, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SCHOOL DISTRICT OF PHILADELPHIA :

Plaintiff, :

v. :

UNITED CONSULTANTS, INC. :

Defendant :

CIVIL ACTION NO.

CERTIFICATE OF SERVICE

I, Lauren A. Moser, Esquire, certify that I caused a copy of the foregoing Notice of Removal via U.S. Mail upon the parties listed below.

Peter J. Norman, Esquire
Klehr Harrison Harvey Branzburg, LLP
1835 Market Street
Philadelphia, PA 19103
Attorney for Plaintiff

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

BY: Lauren A. Moser, Esquire/lam0454

GREGORY J. KELLEY, ESQUIRE
JANE E. KANE, ESQUIRE
LAUREN A. MOSER, ESQUIRE
Attorneys for Defendant
United Consultants, Inc.

Date: 11/15/2013